

STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

ON-SITE SYSTEMS ADVISORY BOARD
89 Kings Highway, Dover, DE 19901
(302) 739-9948



ORIGINAL

Monthly Meeting Minutes
For August 3, 2011

Members Present: Gerry Desmond, Lāf Erickson, Byron Jefferson, Dave Schepens, Ken Walsh, Paul Hufschmidt, Matt Brill

Also Present: DNREC staff: Dan Albanese, Dawn Baker, Sue Marsett, William Thompson, Kathy Wright

- ❖ Meeting began at 9:15 a.m.
- ❖ Ken made a motion to accept the amended agenda items (marked with a ✕ on the agenda); Paul seconded, all approved.
- ❖ July 2011 Meeting Minutes reviewed; Gerry made a motion to approve, Lāf seconded, all approved.
- ❖ License Applications:

<i>Applicant Name</i>	<i>License Type</i>	<i>Approved</i>	<i>Denied</i>	<i>Motion By</i>	<i>2nd By</i>	<i>All In Agreement</i>
Dominic Poligardo	E		X*	Ken	Matt	X
<i>* Inconsistencies from 2007 application; no reply to OSSAB information request (from 2007)</i>						
Jeffrey Farr	E		X**	Ken	Paul	X
Thomas Turner	E		X**	Ken	Gerry	X
<i>** Does not have two years experience required</i>						
Justin Streett	H		X***	Matt	Ken	X
<i>*** No certificate of training provided</i>						

- ❖ CET's:
 - Thomas Noble (Class D #2240): PAPSS: Interim Regional Supplement to the Corp of Engineers Wetland Delineation Manual Eastern Mountains & Piedmont Region – *Approved for 8 hrs*
 - Carol Evans (Class A, B, E, H #2099):
 - Seminar 1: Ottertail Water Management District – *Approved for 1 hr*
 - Seminar 2: Hood Canal Septic Loan Program – *Approved for 2 hrs*
 - Byron Jefferson (Class C # 2160): Practical Considerations Related to the Use of Alternative Backfill Materials for Flexible Soil – *Approved for 1 hr* {Byron abstained from vote}
 - Dean Sherman (Class E # 2326):
 - Lead Containment & Chapter 7 Review – *Denied*
 - Comprehensive Construction Safety – *Approved for 2 hrs*

- Business & Finance – *Approved for 2 hrs*
- Backflow Prevention – *Denied*

9:40 am, Russell Losco (Class A, B, D #2202); Francis Straub for John O'Connell (Class B, C #4241); J. Mike Leager (Class E, H #2190) & Madeline McNatt (wife of property owner) and Eileen Keen (mother of property owner) entered meeting [re: permit #219121, 2526 Red Lion Road, Bear] - Byron introduced all parties to OSSAB members; Sue gave overview of reasons for requested appearance of Mr. Leager, Mr. Losco & Mr. O'Connell. Ms. Keen stated that Mr. Michael McNatt (property owner) was unable to attend OSSAB meeting due to medical reasons. Mr. Leager explained his reasons as to why he made decision to move septic drainfield, indicating that he had Authorized Agent form signed by Mr. McNatt to complete the work. Mr. Leager also explained that during construction, he was approached by a neighbor who indicated a discrepancy with property lines. Mr. Leager explained that he contacted Dan Albanese and was told he could move the location of the system. Mr. Leager indicated that he believed that he had the owner's permission to move the existing deck. Mr. Leager indicated that he had constructed a retaining wall around the existing air conditioning unit and did make a larger access hole in the existing foundation of the home. Mr. Losco explained while the deck was existing, it was not indicated on the site paperwork provided to him nor on New Castle County property records; Lāf explained to Mr. Losco that the existing deck and air conditioning unit should have been noted on the site evaluation. Ken asked the Mrs. McNatt if property line dispute had been resolved; Mrs. McNatt stated that she was not aware there even was a property line dispute. Mr. Leager explained that he believed that he had permission to make the changes without the owner's approval and explained that he had to make a decision based on the information provided and could not shut his business down for the day to wait for owners approval. Sue presented the Authorized Agent form and explained that the form only pertained to the site evaluation and permit paperwork, not construction; Sue also explained that the permit application lacked necessary information (existing deck, air conditioning unit, etc.). Mr. Leager explained that GWDS should not have approved the permit application without being on-site prior to approval. Paul suggested that Mr. Leager could have had system redesigned to lengthen system to fit in limited space available, and sometimes it's necessary to stop work in order to obtain clarification. Matt explained that he understood why Mr. Losco used the fence line as property lines, however, the property line could not be confirmed. Mr. Leager again explained that he feels he had the authorization to do what he needed to do to complete the job. Ken suggested that owner have a survey performed to affirm property lines and depending upon outcome, could bring civil suit against Mr. Leager. Jay Thompson outlined specific permit conditions to owner and contractor; Dan confirmed that he authorized Mr. Leager to move the system *with owner's and Engineer's approval*. Matt explained that the OSSAB can only recommend action to the Department Secretary. Byron explained that neither the soil scientist nor engineer identified permanent structure locations and that the contractor should have conferred with the owner. Ken requested that the engineer provide a cross section showing EZ Flow aggregate used to construct the ESM and how it was to be constructed; Mrs. McNatt and Ms. Keen stated again that they were not aware of any property line dispute and they stated that Mr. McNatt is available at his home, at any time. Sue informed Mr. Leager that he (Mr. Leager) moved the septic system design based upon what the neighbor said; Mr. Leager stated that he did not attempt to discuss moving the drainfield with Mr. McNatt. Mr. Losco, Mr. Straub, Ms. Keen, Mrs. McNatt left meeting at 11:15 am.

❖ Enforcement / Compliance:

- John O'Connell (Class B, C #4241) – Kathy gave a status update; per Jason Baumgartner, Mr. O'Connell is currently having medical issues and has not completed required revisions to site.

- Michael Willey (Class B, E, H #4148) – Manager's Warning sent; Installed a LPP system without stone under the pipe. No action taken at this time.
- Kevin Darling (Class E #4613) – Manager's Warning sent; failed to contact Class D soil scientist for sand lining; failed to follow through with requested paperwork; OSSAB to invite Mr. Willey to September meeting.
- ❖ Mr. Leager approached the OSSAB and stated that he had some technical questions and requested clarification from the OSSAB and DNREC representatives; Mr. Leager questioned 'as-built' drawings, which are sometimes submitted to DNREC without the engineer reviewing them; Byron stated that there is no one answer for this issue and Sue stated that each site is different; Sue read from the On-Site Regulations which refer to approval from the engineer when changes are made; Mr. Leager asked at what point does DNREC need to be contacted about a change; Sue said it depends on the system type (and the change requested); Mr. Leager drew a diagram on the white board, to explain a question about a baffle repair on a particular site (W. Mt. Vernon St, Smyrna, performed by Weaver Sanitation); Sue stated that she will research the site.
- ❖ Next scheduled meeting for September 7, 2011.
- ❖ Meeting adjourned at 12:00 pm.



Prepared By Dawn Baker



Approved By Byron Jefferson